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TO

Amend the Law relating to the Drainage and Improvement of Land in Ireland, and for other purposes.

A.D. 1892.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act may be cited as the Drainage and Improvement of Land (Ireland) Act, 1892, and shall extend to Ireland only.

Short title and application of Act.

2. Where, in the case of any land included in any drainage district proposed to be constituted pursuant to the provisions of the Drainage Acts, the proprietor of the said land and the person
10 occupying the same as tenant so agree, such tenant shall for the purposes of the said Acts be substituted for the proprietor.

Tenant may by agreement be substituted for proprietor of land in drainage district. 26 & 27 Vict. c. 85.

3. If, within the time limited for making objections to the report of the inspector sent by the Board of Works to make inquiries respecting the proposed formation of any drainage district pursuant to the provisions of the Drainage Acts, the proprietor of any
15 land included within the proposed district dissents from or does not assent to the formation of such district, the person occupying such land as tenant may apply to the Board of Works to be substituted for the proprietor for the purposes of the said Acts; and if, after
20 the Board of Works have served on the said proprietor notice of the said application, the said proprietor does not within a period to be prescribed by such notice assent to the formation of the district, the Board of Works, after hearing any objection made by the said proprietor, and any other person having an estate or interest in the
25 land, and on its appearing to them—

Tenant may be substituted for proprietor by Board of Works in certain cases.

(a) that the drainage works proposed to be executed will effect immediately or prospectively an increase in the annual value

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of the said land proportionate to the sums likely to be charged thereon in respect of the cost of the said works and the maintenance and repair thereof; and

- (b) that the amount likely to be charged on the said land as aforesaid, or a substantial part thereof, is likely to become payable during the continuance of the tenancy under which the person occupying the said land as tenant holds the same, and having regard generally to the justice of the case may, if they think fit, by order direct that such tenant shall, for the purposes of the said Acts, other than the right to dissent herein-after mentioned, be substituted for the proprietor of the said land, provided that, notwithstanding such substitution, the proprietor shall retain the right to dissent from the formation of the drainage district, and if he dissents shall be reckoned among the dissenting proprietors for the purpose of the proviso to section four of the 15 *Drainage and Improvement of Lands (Ireland) Act, 1878.*

41 & 42 Vict.
c. 59.

Tenant substituted for proprietor to have the rights and liabilities of proprietor.

4. Where in pursuance of this Act the tenant of any land is substituted for the proprietor thereof for the purposes of the Drainage Acts, such tenant, and every person in whom the tenancy under which he holds the said land at the time of such substitution is for the time being vested, shall, save as aforesaid, for the purposes of the said Acts, during the continuance of such tenancy, and in respect of the said land, be vested with all the rights and be subject to all the liabilities and obligations of a proprietor; and the proprietor shall, during the same period, be 25 divested of such rights and exempt from such liabilities and obligations; but on the determination of the said tenancy the subsequent provisions of this Act in that behalf shall have effect.

Mode of service of notices.

26 & 27 Vict.
c. 58.

5. The notice required to be served on the proprietor of any land in pursuance of the provisions of this Act may be served in like manner as the notice to proprietors referred to in the first sub-section of the sixth section of the Drainage and Improvement of Lands Act (Ireland), 1863, is therein required to be served; provided that where any notice is served on the agent of the person required to be served pursuant to the 35 provisions of the said Acts, or of this Act, such service need not be personal, but may be effected on such agent by leaving the notice at the usual place of abode or at the office or place of business of such agent, or by forwarding the same by post in a prepaid letter addressed to the usual place of abode or the office or place of 40 business of such agent.

6. Where a rentcharge is hereafter created for the repayment
of money advanced under the Drainage Acts, then on the ceasing
or determination of any fee farm grant, lease, or tenancy from
year to year, the tenant under which is liable to the payment of
5 such rentcharge, the same, and the arrears thereof, to an amount
not exceeding *one year's* arrears accrued before such ceasing or
determination, shall, notwithstanding anything in the said Acts,
be a charge on each successive estate in the land in remainder or
10 reversion according as it comes into possession up to and including
the fee simple and inheritance in priority to all charges except
quitrents, rentcharges in lieu of tithes, and any charges prior in
date and created under any Act for the improvement or drainage
of lands.
7. For the purposes of this Act the words "tenant" and
15 "tenancy" shall have the same meaning as in the Land Law
(Ireland) Act, 1881, and the provisions of that Act respecting the
determination of a tenancy shall apply in the case of a tenancy to
which the provisions of this Act are applicable.
8. The power given to the Treasury by section thirty-one of the
20 Land Law (Ireland) Act, 1881, to declare the provisions of the
Landed Property Improvement (Ireland) Act, applicable to
advances to occupiers under that section may be exercised from
time to time as occasion requires, and any declaration made under
that power may as to any subsequent advance modify any previous
25 declaration so made.
9. Notwithstanding anything in section twenty-six of the Landed
Property Improvement (Ireland) Act, 1847, any loan under that
Act and under the Acts amending and extending the same may be
for any sum not less than *fifty pounds*.
- 30 10. Section forty-four of the Conveyancing and Law of Property
Act, 1881, shall apply to a rentcharge created under the Drainage
Acts not exceeding the annual amount of *five pounds*, whether
created before or after the *passing of this Act*.
11. Where any land is liable to pay a proportion of a maintenance
35 rate under the Drainage Acts or any other Act relating to drainage
of land in Ireland, the Board of Works shall have the like power of
apportioning that liability between different portions of the land
as they have of apportioning a rentcharge under section six of the
Public Works Loans Act, 1883, save that the consent of the
40 Treasury shall not be required to any such apportionment, and any
such portion of land shall not be liable to the maintenance rate

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Effect of
rentcharges
created
under
Drainage
Acts.

Application
of 44 & 45
Vict. c. 49.

Amendment
of 44 & 45
Vict. c. 49,
s. 31, as to
advances to
occupiers of
land.

Amendment
of 10 & 11
Vict. c. 32,
s. 26, as to
amount of
loan.

Power for
the recovery
of drainage
charges.
44 & 45 Vict.
c. 41.

Power to
apportion
liability for
maintenance
of drainage
works.
51 & 52 Vict.
c. 89.

A. D. 1892. further than is determined by the certificate of the Board of Works setting forth such apportionment.

The persons appointed to collect any maintenance rate shall have for the collection thereof all powers possessed by the collectors of county cess for the collection of that cess, provided that an occupier of land paying rent for the same shall not be liable by virtue of the provisions of this section with respect to the collection of such rate to pay any larger amount than is for the time being due from him in respect of the rent of the land, and may deduct any amount so paid from any rent payable by him.

Definitions.
26 & 27 Vict.
c. 65.

12. In this Act the expression "Board of Works" means the Commissioners of Public Works in Ireland, the expression "Drainage Acts" means the Drainage and Improvement of Lands (Ireland) Act, 1863, and the Acts amending the same, including this Act, and the expression "maintenance rate" means the sum for which a drainage board assesses rates and taxes, the proprietors of the land, for the purpose of maintaining and upholding all and singular the drains, water-courses, banks, sluices, flood-gates, tunnels, water-gates, buildings, bridges, and other works, and of supplying all things that may be required to work the same, and for the payment of all necessary expenses of maintenance of works of drainage, water-power, and all other expenses incident thereto, and all costs, charges, and liabilities from time to time properly incurred by them in the execution of the Drainage Acts or any other Act relating to drainage of land in Ireland.

**Drainage and
Improvement of Land
(Ireland) (No. 2).**

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To amend the Law relating to the
Drainage and Improvement of Land
in Ireland, and for other purposes.

*(Proposed and brought in by
Mr. Justice and Mr. Attorney General for
Ireland.)*

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